

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Squad #8	CCRB Case #: 201710306	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/06/2017 10:28 PM	Location of Incident: In front of 165 Eighth Avenue	Precinct: 10	18 Mo. SOL 6/6/2019	EO SOL 6/6/2019	
Date/Time CV Reported Thu, 12/07/2017 2:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/13/2017 12:24 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Sendrowski	20478	945309	010 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Iodice	04581	960479	010 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Sendrowski	Abuse: Police Officer Daniel Sendrowski stopped § 87(2)(b)	
B.POM Daniel Sendrowski	Abuse: Police Officer Daniel Sendrowski threatened to arrest § 87(2)(b)	
C.POM Daniel Sendrowski	Force: Police Officer Daniel Sendrowski used physical force against § 87(2)(b)	

### Case Summary

On December 7, 2017, § 87(2)(b) filed the following complaint by phone with IAB, generating original log number 17-48762. The CCRB received the complaint on December 13, 2017.

On December 6, 2017, at approximately 10:28 p.m., § 87(2)(b) was inside a store called “Harmony” at 165 Eighth Avenue in Manhattan. The employees did not want her inside the store and they called 911. As § 87(2)(b) was leaving the store, PO Daniel Sendrowski of the 10<sup>th</sup> Precinct allegedly asked her to wait with other officers while he spoke to the store employees (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Sendrowski later told her she could be arrested for trespassing if she returned to the store (**Allegation B: Abuse of Authority**, § 87(2)(g)). As the officers were leaving, PO Sendrowski allegedly pushed § 87(2)(b) on her right bicep (**Allegation C: Force**, § 87(2)(g)).

The investigation obtained a short video clip, which § 87(2)(b) filmed with her cellphone after the officers had already entered their vehicles to leave the scene (BR01).

### Findings and Recommendations

- **Allegation (A) Abuse of Authority: Police Officer Daniel Sendrowski stopped** § 87(2)(b). § 87(2)(b) provided an account of the incident by phone to IAB, and she was interviewed in person at the CCRB (BR02; BR03). In both statements, § 87(2)(b) recounted that she had a dispute with the store employees, that the employees called 911, and that she first encountered the officers on the sidewalk just after she exited the store. In her IAB statement, § 87(2)(b) alleged that officers took her to the side because they wanted to investigate “about a description.” In her CCRB statement, § 87(2)(b) recounted that PO Sendrowski and another officer were standing outside the store when she exited, and that PO Sendrowski asked her to step to the side and wait while the officers conducted an investigation. PO Sendrowski entered the store alone. § 87(2)(b) denied that any officer ever interacted with her inside the store.

PO Sendrowski recounted that he and PO Iodice responded to the location after receiving a radio run instructing them to “see complainant” (BR04). He did not have any additional information before arriving. He entered the store and spoke to an employee. He denied that § 87(2)(b) was outside the store when he arrived. The employee told him that § 87(2)(b) had “trashed” the store a week prior, and that the store’s manager had instructed the employees to bar her from entering the store again. At this point, PO Sendrowski saw that § 87(2)(b) was still inside the store, and he began speaking to her. PO Sendrowski never claimed to have had a “description” of any suspect.

PO Iodice similarly recounted that § 87(2)(b) was still inside the store when the officers entered (BR05).

The 911 recordings from the incident confirm that a store employee made two calls to 911 regarding the incident. The employee, who seemed to have limited English proficiency, said that a black man was in his store, and that he had called 911 to report the man multiple times in a prior incident. The employee called again sixteen minutes later, and seemed to say that the individual had returned to the store (BR11-BR14).

During her interview at the CCRB, § 87(2)(b) showed a video she shot with her cellphone during the incident, which showed her inside the store with multiple employees before any officers arrived. She did not provide the video to the CCRB. Regardless, the video did not

provide any evidence which would prove or disprove her claim that PO Sendrowski stopped her outside the store.

The investigation was unable to obtain surveillance footage from the store, as its system only saved footage for one day. The investigation made attempts to locate any employee who was working at the time of the incident, but was ultimately unsuccessful.

§ 87(2)(g)

- **Allegation (B) Abuse of Authority: Police Officer Daniel Sendrowski threatened to arrest**

§ 87(2)(b)

In her CCRB statement, § 87(2)(b) recounted that when PO Sendrowski emerged from the store, he was carrying pieces of paper containing images of § 87(2)(b) taken by the store's surveillance cameras. The images showed § 87(2)(b) entering and exiting the location on multiple prior occasions. PO Sendrowski asked § 87(2)(b) if she was the person in the images, and she answered affirmatively. PO Sendrowski told § 87(2)(b) that the store employees had claimed that she harasses them when she enters the store, and he told her that she could be arrested for trespassing if she entered the store again.

§ 87(2)(b) admitted that she has had multiple prior disputes with the employees of this store, and that they have called 911 to report her behavior on multiple occasions.

As previously discussed, PO Sendrowski recounted that the store employee told him that § 87(2)(b) had "trashed" the store a week prior, and that the store's manager had instructed the employees to bar her from entering the store again. PO Sendrowski then asked § 87(2)(b) to leave the store, and he explained that the store was a private establishment and that the proprietor did not want her to be there. He also told her that the proprietor could pursue trespassing charges against her if she returned to the store in the future. PO Sendrowski denied that he ever reviewed the store's surveillance footage or that he ever showed § 87(2)(b) printed images.

PO Iodice also recounted that the store employee told PO Sendrowski that he had a problem with § 87(2)(b) in the past and that he did not want her inside the store. PO Iodice also recounted hearing PO Sendrowski explaining to § 87(2)(b) that she could be arrested in the future if she returned to the store, though he believed this conversation took place out on the sidewalk after § 87(2)(b) and the officers exited the store together.

It is clear that the store's proprietors do not want § 87(2)(b) to enter the store, and that an employee made this known to the officers during the incident.

New York State Penal Law §140.05 states that a person is guilty of trespass when she knowingly enters or remains unlawfully in or upon premises (BR06).

§ 87(2)(g)

- **Allegation (C) Force: Police Officer Daniel Sendrowski used physical force against § 87(2)(b)**

§ 87(2)(b)

In her statement to IAB, § 87(2)(b) alleged that PO Sendrowski pushed her, but she did not describe the manner in which he did so. The IAB officer asked § 87(2)(b) why PO Sendrowski pushed her, and § 87(2)(b) said that it was because she was on a public sidewalk about to make a phone call, and because she was going to go about her business. The IAB officer repeated the question, and § 87(2)(b) replied, “He wanted me to go for a walk. Or he wanted me to jump when he commanded.” She added, “Like I’m supposed to move when he tells me to. But at the same time, before I start heading about my day, I was already on my way of making a phone call.” The IAB officer asked § 87(2)(b) if PO Sendrowski pushed her because he wanted her to leave the location, and § 87(2)(b) replied, “No, he wanted me to move because he ordered me to move.” She also said of PO Sendrowski, “He wanted me to get out of his face, because I have to leave his presence.”

During her CCRB statement, § 87(2)(b) explained that she was getting ready to resume a phone call when PO Sendrowski finished speaking to her outside. She recounted, “He’s up there telling me I can leave now, and I say, ‘Well, I’m already out of the store, you know. I’m on the sidewalk.’ And as I’m up there trying to make the phone call, he pushes me.” § 87(2)(b) later denied that PO Sendrowski ever told her to leave the area or to move at all before he pushed her, but when asked why he pushed her, § 87(2)(b) replied, “I guess he wanted me to move.”

§ 87(2)(b) denied that she had any argument with PO Sendrowski regarding whether she would be trespassing if she returned to the store, and she denied that she had any conversation with him regarding whether she could stand on the sidewalk outside the store.

§ 87(2)(b) initially said that PO Sendrowski pushed her with both hands. She later questioned her own recollection and thought he may have pushed her with only one hand, but ultimately reaffirmed that he pushed her with both hands at once. He pushed her on the outside of her right bicep. At the time, § 87(2)(b) was holding her cellphone in her right hand and looking at it, such that her right arm was beside her side and her right elbow was bent to hold the phone up in front of her face.

Throughout most of the CCRB interview, § 87(2)(b) never mentioned that she dropped her cellphone during the incident. However, she eventually said that she dropped her phone as a result of PO Sendrowski pushing her. § 87(2)(b) also did not mention this during her IAB statement. When asked to describe how hard PO Sendrowski pushed her, § 87(2)(b) replied, “Enough for my phone to slip out of my hand.” She answered affirmatively when asked if PO Sendrowski knocked her off balance. When asked if she was forced to take any steps as a result of being pushed, § 87(2)(b) said yes before quickly changing the subject. She later said that she had to take “about one step or so” as a result of being pushed.

PO Sendrowski walked away after pushing § 87(2)(b) and she picked up her phone and began filming. § 87(2)(b) provided a 53-second video clip, embedded below as SnagIt #1, showing this portion of the incident (BR01; BR07):



2018-04-10\_17-50-40.mp4

The officers are still on scene but are already inside their vehicle. § 87(2)(b) narrates the video and says, “Mind you, this badge officer, after just put his hands—start pushing on me,



- Mediation, Civil and Criminal Histories**
- § 87(2)(b) declined to mediate this complaint.
  - On March 27, 2018, the undersigned requested a copy of any Notice of Claim filed regarding the incident from the NYC Comptroller’s office. No response has been received as of the date of this report. A copy of the response will be added to the case file upon receipt (BR09).
  - § 87(2)(b) § 87(2)(c)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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- [REDACTED]  
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Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_